

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERIC WARBELTON, and JOSE SILVA,)	8:09CV132
)	
Plaintiffs,)	
)	
v.)	
)	
ROBERT HOUSTON, et al.,)	MEMORANDUM
)	AND ORDER
Defendants.)	
)	

This matter is before the court on Plaintiff Jose Silva's Motion to Appoint Counsel. (Filing No. [47](#).) The court dismissed this matter with prejudice and entered Judgment against Plaintiff on July 20, 2010.¹ (Filing Nos. [44](#) and [45](#).) Therefore, Plaintiff's Motion to Appoint Counsel is denied as moot.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Appoint Counsel (filing no. [47](#)) is denied as moot.

DATED this 26th day of July, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

¹The court notes that Plaintiff filed his Motion to Appoint Counsel and an untimely Response to Defendants' Motion for Summary Judgment on July 19, 2010. (Filing Nos. [46](#) and [47](#).) These documents were not entered until after the court entered Judgment in this matter. (*See Docket Sheet.*) Nevertheless, the court has carefully reviewed Plaintiff's untimely Response. The court concludes that this Response does not change the court's Memorandum and Order and Judgment dismissing this matter.

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